

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

ALEJANDRO J. MEDINA URIBE,

Case No.: 1:23-cv-22799-KMM

Plaintiff,

v.

CLEANER'S GURU LLC,
a Florida limited liability company,
d/b/a **TOTAL G TELECOM**, and
RAFAEL E. HERNANDEZ, individually,

Defendants.

/

MOTION FOR LEAVE TO WITHDRAW AS COUNSEL
FOR DEFENDANT CLEANER'S GURU, LLC

The undersigned counsel for Defendants, pursuant to the Southern District of Florida's Local Rules 7.1 and 11.1(d)(3), and Rule 4-1.16(b) of the Rules Regulating the Florida Bar, hereby moves this Honorable Court for entry of an order permitting Spire Law, PLLC to withdraw as counsel for Defendant, Cleaner's Guru LLC d/b/a Total G Telecom ("Defendant Total G"), and states the following in support:

Spire Law, PLLC has been retained as counsel of record for Defendants in this action. The undersigned's efforts have included gathering and reviewing documents, consistent communication with Defendants by e-mail and phone, preparation of necessary court filings, and discussions with Plaintiff's counsel regarding resolution of the claims.

Rule 4-1.16(b) of the Rules Regulating the Florida Bar allows withdrawal if: (1) withdrawal can be accomplished without material adverse effects on the interest of the client; (2) the client insists upon taking action that the lawyer considers repugnant, imprudent, or with which the lawyer has a fundamental disagreement; (3) the client fails substantially to fulfill an obligation

to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled; (4) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or (5) other good cause for withdrawal exists.

Here, sufficient grounds exist for withdrawal under Rule 4-1.16(b). First, Defendants have stopped communicating with the undersigned counsel, making continued representation of Defendant Total G impossible.¹ Moreover, Defendant Rafael Hernandez has recently filed bankruptcy as set forth in the Suggestion of Bankruptcy filed earlier today in the instant action by Defendant Rafael Hernandez, which should stay the proceedings as to Defendant Hernandez for the reasons specified therein, but will not stay the instant action as to Defendant Total G. [Doc. 19]. Accordingly, since Defendant Hernandez is the sole owner and member of Defendant Total G, the undersigned's continued representation of Defendant Total G will result in an unreasonable financial burden on the undersigned counsel if withdrawal is not permitted.

To facilitate future communications with Defendant Total G, the following is the most recent mailing address for Defendant Total G:

Cleaner's Guru LLC d/b/a Total G Telecom
3332 Torremolinos Ave
Doral, FL 33178

Given the Court's discretion to permit withdrawal of the undersigned counsel's representation of Defendant Total G, and the good cause shown to support withdrawal, the undersigned counsel respectfully asks the Court to enter an Order permitting the undersigned counsel to withdraw from representing Defendant Total G. The undersigned counsel further

¹ See, *infra*, Local Rule 7.1(a)(3) Certification regarding attempts made by counsel of record for Defendants to reach Defendants regarding the contents of this Motion.

requests that this Court stay this matter for thirty (30) days to allow Defendant Total G to retain new counsel.

CONCLUSION

WHEREFORE, Jamie L. White, Esq., Alyssa Castelli, Esq., and Spire Law, PLLC respectfully request that the Court grant this Motion, permit the withdrawal of counsel of record for Defendant Total G, and stay all deadlines and proceedings in this matter for thirty (30) days to allow Defendant Total G to retain new counsel.

LOCAL RULE 7.1(a)(3) CERTIFICATION

Undersigned counsel hereby certifies that counsel for Defendants has made reasonable efforts to confer with Defendant Total G regarding the relief sought in this Motion and has been unable to do so. These efforts include, most recently, the following:

- attempts to reach Defendants by phone on Tuesday, September 26, 2023 at approximately 11:26 am, 1:51 pm, and 4:20 pm; Thursday, September 28, 2023 at 3:47 pm; Friday, September 29, 2023 at approximately 4:18 pm; Monday, October 2, 2023 at approximately 9:33 am, 10:42 am, 11:13 am, 12:35 pm, and 5:42 pm; Tuesday, October 3, 2023 at approximately 9:13 am and 10:06 am; and
- attempts to reach Defendants by email on Tuesday, September 26, 2023 at approximately 12:32 pm; Thursday, September 28, 2023 at approximately 3:49 pm; Friday, September 29, 2023; Monday, October 2, 2023 at approximately 12:28 pm; and Tuesday, October 3, 2023 at approximately 11:31 am.

Additionally, the undersigned further certifies that she has conferred with Plaintiff's counsel regarding this Motion, and Plaintiff does not oppose the withdrawal requested herein.

Dated this 3rd day of October 2023.

Respectfully submitted,

SPIRE LAW, PLLC
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Oviedo, Florida 32765

By: /s/ Alyssa Castelli
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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of October 2023, the foregoing was electronically filed through the CM/ECF system, which will send a notice of electronic filing to Plaintiff's counsel, Nathaly Saavedra, Esq., Juan J. Perez, Esq. and P. Brooks LaRou, Esq., Peregonza The Attorneys, PLLC, 5201 Blue Lagoon Drive, Suite 290, Miami, Florida 33126, via email at nathaly@peregonza.com; juan@peregonza.com; brooks@peregonza.com.

A true and correct copy of the foregoing was also sent via US Mail and electronic mail to Defendants at the following mailing and email address:

Cleaner's Guru LLC d/b/a Total G Telecom
& Rafael E. Hernandez
3332 Torremolinos Ave
Doral, FL 33178
Email: RAFAEL.eh@gmail.com

/s/ Alyssa Castelli
Attorney